



November 2, 1999

Mr. Bernardo J. Garcia  
Senior Assistant County Attorney  
Harris County  
1019 Congress, 15<sup>th</sup> Floor  
Houston, Texas 77002-1700

OR99-3102

Dear Mr. Garcia:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 129171.

The Harris County Sheriff's Office (the "sheriff's office") received a request for fifteen categories of information. You inform us that you have released information responsive to eight categories of information, that you do not have information responsive to four categories, and that you wish to withhold information responsive to request items 5, 7, and 14. The requested items at issue are:

5. Listing by VIN number, License Tag, and car number of each car equipped [with] a video camera;

7. Complete and full listing of all businesses, companies, and entities which were approved by the Harris County Sheriff's Department for "extra job" of [sic] duty jobs by Harris County Sheriff's Deputies and which did have such deputies work for them during the period January 1, 1996 to the present date; [and]

14. Mileage/time log of all deputies who transported prisoners or other individuals, to include times logged in and out and any and all other notes or information pertaining to such transport and notes or log-ins to dispatch, on the date of March 18, 1999[.]

You claim that the information is excepted from disclosure under sections 552.103, 552.108, and 552.130 of the Government Code.

Pursuant to section 552.301(e), a governmental body is required to submit to this office within fifteen business days of receiving an open records request (1) general written comments stating the reasons why the stated exceptions apply that would allow the information to be withheld, (2) a copy of the written request for information, (3) a signed statement or sufficient evidence showing the date the governmental body received the written request, and (4) a copy of the specific information requested or representative samples, labeled to indicate which exceptions apply to which parts of the documents. Act of May 25, 1999, 76th Leg., R.S., ch. 1319, § 20, 1999 Tex. Sess. Law Serv. 4500, 4508 (Vernon) (to be codified as an amendment to Gov't Code § 552.301(e)).

You did not, however, submit to this office within fifteen business days of receiving the open records request your general written comments stating the reasons why the stated exceptions apply or copies or representative samples of the specific information that was requested. The sheriff's office received the request for information on August 24, 1999. You submitted your arguments and the information at issue on September 23, 1999, more than fifteen business days after the sheriff's office's receipt of the written request for information.

Pursuant to section 552.302 of the Government Code, a governmental body's failure to submit to this office the information required in section 552.301(e) results in the legal presumption that the information is public and must be released. Act of May 25, 1999, 76th Leg., R.S., ch. 1319, § 21, 1999 Tex. Sess. Law Serv. 4500, 4509 (Vernon) (to be codified as an amendment to Gov't Code § 552.302). Information that is presumed public must be released unless a governmental body demonstrates a compelling reason to withhold the information to overcome this presumption. *See Hancock v. State Bd. of Ins.*, 797 S.W.2d 379, 381-82 (Tex. App.--Austin 1990, no writ) (governmental body must make compelling demonstration to overcome presumption of openness pursuant to statutory predecessor to Gov't Code § 552.302); Open Records Decision No. 319 (1982). Your section 552.103 assertion is not a compelling reason to overcome the presumption of openness. Open Records Decision No. 473 (1987).

You contend that the safety of law enforcement personnel is a compelling reason to overcome the presumption that the information is public. You argue that Open Records Decision No. 456 (1987) allows the sheriff's office to withhold the list of businesses that employ sheriff's deputies for "extra jobs." In Open Records Decision No. 456, the list of businesses reveals the occasions on which certain businesses take extra security measures, when certain police officers will be at a particular place, and reveals whether the officer will be in "uniform or plainclothes." Open Records Decision No. 456 at 2 (1987). The list at issue in this instance merely reveals the names of businesses that are permitted to employ sheriff's deputies. Thus, we do not believe that release of the list of businesses will endanger the safety of law enforcement personnel. Open Records Decision No. 456 further recognizes that information revealing when and where employees travel on sensitive assignment is protected under the law enforcement exception. *Id.* (citing Open Records Decision No. 211

(1978)). Again, the list at issue does not contain such detailed information as when the deputies must report for duty, and you have not represented that these jobs are sensitive assignments. Thus, you have not shown compelling reasons to overcome the presumption that the information at issue is public. Accordingly, except for information protected by section 552.130 of the Government Code, you must release the requested information.

Section 552.130 of the Government Code excepts information that relates to a motor vehicle operator's or driver's license or permit issued by an agency of this state or a motor vehicle title or registration issued by an agency of this state. Therefore, you must withhold the license plate numbers and VIN numbers. We have marked the information that you must withhold under section 552.130.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read "Yen-Ha Le".

Yen-Ha Le  
Assistant Attorney General  
Open Records Division

YHL/ljp

Ref.: ID# 129171

Encl. Marked documents

cc: Mr. John Beard  
20711 Teal Point Drive  
Katy, Texas 77450  
(w/o enclosures)